

**30-3-5.4 Designation of primary and secondary health, dental, or hospital insurance coverage.**

- (1) For purposes of this section, "health, hospital, or dental insurance plan" has the same meaning as "health care insurance" as defined in Section 31A-1-301.
- (2)
  - (a) A decree of divorce rendered in accordance with Section 30-3-5, an order for medical expenses rendered in accordance with Section 78B-12-212, and an administrative order under Section 62A-11-326 shall, in accordance with Subsection (2)(b)(ii), designate which parent's health, hospital, or dental insurance plan is primary coverage and which parent's health, hospital, or dental insurance plan is secondary coverage for a dependent child.
  - (b) The provisions of the court order required by Subsection (2)(a) shall:
    - (i) take effect if at any time a dependent child is covered by both parents' health, hospital, or dental insurance plans; and
    - (ii) include the following language:

"If, at any point in time, a dependent child is covered by the health, hospital, or dental insurance plans of both parents, the health, hospital, or dental insurance plan of (Parent's Name) shall be primary coverage for the dependent child and the health, hospital, or dental insurance plan of (Other Parent's Name) shall be secondary coverage for the dependent child. If a parent remarries and his or her dependent child is not covered by that parent's health, hospital, or dental insurance plan but is covered by a step-parent's plan, the health, hospital, or dental insurance plan of the step-parent shall be treated as if it is the plan of the remarried parent and shall retain the same designation as the primary or secondary plan of the dependent child."
  - (c) A decree of divorce or related court order may not modify the language required by Subsection (2)(b)(ii).
  - (d) Notwithstanding Subsection (2)(c), a court may allocate the payment of medical expenses including co-payments, deductibles, and co-insurance not covered by health insurance between the parents in accordance with Subsections 30-3-5(1)(a) and 78B-12-212(6).
- (3) In designating primary coverage pursuant to Subsection (2), a court may take into account:
  - (a) the birth dates of the parents;
  - (b) a requirement in a court order, if any, for one of the parents to maintain health insurance coverage for a dependent child;
  - (c) the parent with physical custody of the dependent child; or
  - (d) any other factor the court considers relevant.

Enacted by Chapter 285, 2010 General Session